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10/596,899	06/28/2006	Gerrit Hollemans	NL040021	1970

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EXAMINER

DISTEFANO, GREGORY A

ART UNIT	PAPER NUMBER
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2175

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06/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,899	Applicant(s) HOLLEMANS ET AL.	
	Examiner GREGORY A. DISTEFANO	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed on 6/28/2006,
2. Claims 1-14 have been submitted for examination.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 11 is directed to "*a computer program product*". As applicant never defines such a product within their specification, one of ordinary skill in the art would interpret the computer program product to be purely software per se. Computer software per se fails to meet the 35 USC 101 requirement that the invention be a "process, machine, manufacture, or composition of matter".

5. Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 11 is directed to "*a graphical user interface*". One of ordinary skill in the art would interpret the graphical user interface to be purely software per se. Computer software per se fails to meet the 35 USC 101 requirement that the invention be a "process, machine, manufacture, or composition of matter".

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6. Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 11 is directed to “*a computer program product*”. As applicant never defines such a product within their specification, one of ordinary skill in the art would interpret the computer program product to be purely software per se. Computer software per se fails to meet the 35 USC 101 requirement that the invention be a “process, machine, manufacture, or composition of matter”

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 2, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Fredriksson et al. (US 2003/0095149), hereinafter Fredriksson.

9. As per claim 1, Fredriksson teaches the following:

scrolling the objects page-by-page in the page level, (pg. 4, paragraph [0032]), i.e. to navigate up or down folder levels and to select a particular folder at any level, the user employs the input device 24 to activate “up”, “down”, “left”, “right” and “SELECT” commands which cause the bars 32, 34 to scroll in the selected direction, as indicated

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in Fig. 2) to cause a particular panel to be shifted into the focus panel 30. In the panels of the vertical bar 32 are sub-folders, if any, or individual settings, if any, that are within the folder appearing in area 62a of focus panel 30, that is, such sub-folders or settings that are of the same level as the user's current lowest level in the hierarchical calendar structure appearing in area 62b of the focus panel 30, *and*

scrolling the objects object-by-object in the object level, (pg. 4, paragraph [0032]), i.e. to navigate up or down folder levels and to select a particular folder at any lever, the up or down folder levels and to select a particular folder at any lever, the user employs the input device 24 to activate "up", "down", "left", "right" and "SELECT" commands which cause the bars 32, 34 to scroll in the selected direction, as indicated in Fig. 2) to cause a particular panel to be shifted into the focus panel 30. In the panels of the vertical bar 32 are sub-folders, if any, or individual settings, if any, that are within the folder appearing in area 62a of focus panel 30, that is, such sub-folders or settings that are of the same level as the user's current lowest level in the hierarchical calendar structure appearing in area 62b of the focus panel 30.

10. Regarding claim 2, Fredriksson teaches the method of claim 1 as described above. Fredriksson further teaches the following:

the at least one level in the content comprises a predetermined number of objects, the page level comprises pages of a selected number of the predetermined number of objects, and the object level comprises the predetermined number of objects, (pg. 4, paragraph [0034]), i.e. referring to Fig. 3, horizontal bar 34 is comprised of six

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panels 51, 30, 41, 43, 45, and 47..... the vertical bar 32 is comprised of seven panels 54, 30, 42, 44, 46, 48, and 52.

11. As per claim 12, Fredriksson teaches the following:

A graphical user interface for displaying content, wherein the content' comprises at least one page level comprising pages of objects and at least one object level comprising the objects, the page level and the object level being interwoven so as to allow a user to shift between levels in the content to provide page-by-page scrolling and object-by- object scrolling, respectively.

12. Regarding claim 13, Fredriksson teaches the method of claims 12 as described above. Fredriksson further teaches the following:

a computer program product enabling a programmable device when executing said computer program product to function as a graphical user interface as defined in claim 12. (see Fig. 1, and pg. 1, paragraphs [0022] – [0027])

13. As per claim 14, Fredriksson teaches the following:

selecting a first object in the first level list, (pg. 4, paragraph [0032]), i.e. to navigate up or down folder levels and to select a particular folder at any level, the user employs the input device 24 to activate “up”, “down”, “left”, “right” and “SELECT” commands which cause the bars 32, 34 to scroll in the selected direction, as indicated in Fig. 2) to cause a particular panel to be shifted into the focus panel 30. In the panels

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of the vertical bar 32 are sub-folders, if any, or individual settings, if any, that are within the folder appearing in area 62a of focus panel 30, that is, such sub-folders or settings that are of the same level as the user's current lowest level in the hierarchical calendar structure appearing in area 62b of the focus panel 30,

scrolling all but the last of the predetermined number of second level objects associated with the selected first object, object by object, (pg. 6, paragraph [0044]), i.e. the system may be designed so that when the user scrolls the panels in the vertical bar 32 beyond entries associated with the selected horizontal bar 4 entry, the selected horizontal bar entry automatically changes. Thus, if the display is as shown in Fig. 9, if the user shifts the panels in the vertical bar a sufficient number of times so that "Week2" appears in the focus panel 30,

scrolling the last of the predetermined number of the second level objects by shifting to a second level list of objects associated with a second object in the first level list, (pg. 6, paragraph [0044]), i.e. the system may be designed so that when the user scrolls the panels in the vertical bar 32 beyond entries associated with the selected horizontal bar 4 entry, the selected horizontal bar entry automatically changes. Thus, if the display is as shown in Fig. 9, if the user shifts the panels in the vertical bar a sufficient number of times so that "Week2" appears in the focus panel 30, the month "January" would automatically appear in area 62a of the focus panel 30, and "December", "February", "March", "April", and "May" will be shown in panels 51, 41, 43, 45, and 47, respectively.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Fredriksson as applied to claim 1 above, in view of Fabre et al. (US 7,075,512), hereinafter Fabre.

16. Regarding claim 3, Fredriksson teaches the method of claim 2 as described above. However, Fredriksson does not explicitly teach a method where the number of objects corresponds to the number of objects visible on the screen. Fabre teaches the following:

the selected number of the predetermined number of objects corresponds to the number of objects visible on a screen, (column 4, lines 53-56), i.e. Fig. 1 depicts PDA 100 during a normal mode of operation showing a small number of icons on display screen 110, although a large number of icons are extended outside the viewing area and not visible to the user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the object scrolling method of Fredriksson with the number of objects corresponding to the number of visible objects on the screen of Fabre. One of ordinary skill in the art would have been motivated to have made such

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modifications because both Fredriksson and Fabre are analogous art in the field of navigating large amounts of display objects. Furthermore, As Fredriksson shows in the transition from Fig. 4 to Fig. 5, their method already uses a method of hiding objects which fall outside of the viewing area. Therefore, Fredriksson's method foresees the need to limit the number of visible objects to those that are visible on the screen.

17. Regarding claim 4, Fredriksson teaches the method of any of claims 1-3 as described above. Fredriksson further teaches the following:

the page level scrolling and the object level scrolling are operated by same scrolling means, (pg. 4, paragraph [0032]), i.e. to navigate up or down folder levels and to select a particular folder at any lever, the up or down folder levels and to select a particular folder at any lever, the user employs the input device 24 to activate "up", "down", "left", "right" and "SELECT" commands which cause the bars 32, 34 to scroll in the selected direction.

18. Regarding claim 5, Fredriksson teaches the method of claim 4 as described above. Fredriksson further teaches the following:

the scrolling means are up/down arrows, (pg. 6, paragraph [0044]), i.e. the system may be designed so that when the user scrolls the panels in the vertical bar 32 beyond entries associated with the selected horizontal bar 4 entry, the selected horizontal bar entry automatically changes.

The examiner would like to note that upon utilizing this automatic horizontal shift, a user of Fredriksson's system could navigate the hierarchy using only the up and down arrow keys.

19. Regarding claim 6, Fredriksson teaches the method of any of claims 1-5 as described above. Fredriksson further teaches the following:

a first level in the content comprises a number of first level objects and at least one of these first level objects comprises a page level and/or an object level, (pg. 4, paragraph [0031]), i.e. all possible calendar selections available are arranged in the content database 20 in one or more levels of groups so that calendar selections of a similar nature are in the same group. The items of a first level are very general. In a second level, the items are more detailed than in the first level, But are still somewhat general. In a third level, the items are even more detailed than in the second level. And so on.

20. Regarding claim 7 Fredriksson teaches the method of claim 6 as described above. Fredriksson further teaches the following:

scrolling of the last of the predetermined number of objects in the page level and/or object level generates a shift to a subsequent object in the first level list, (pg. 6, paragraph [0044]), i.e. the system may be designed so that when the user scrolls the panels in the vertical bar 32 beyond entries associated with the selected horizontal bar 4 entry, the selected horizontal bar entry automatically changes.

21. Regarding claim 8 Fredriksson teaches the method of claim 7 as described above. Fredriksson further teaches the following:

the subsequent object in the first level list is immediate subsequent to the first object in the first level list, (pg. 6, paragraph [0044]), i.e. the system may be designed so that when the user scrolls the panels in the vertical bar 32 beyond entries associated with the selected horizontal bar 4 entry, the selected horizontal bar entry automatically changes. Thus, if the display is as shown in Fig. 9, if the user shifts the panels in the vertical bar a sufficient number of times so that “Week2” appears in the focus panel 30, the month “January” would automatically appear in area 62a of the focus panel 30, and “December”, “February”, “March”, “April”, and “May” will be shown in panels 51, 41, 43, 45, and 47, respectively.

22. Regarding claim 9 Fredriksson teaches the method of any of claims 1-8 as described above. Fredriksson further teaches the following:

upon object by object scrolling of a last visible object of a first number of visible objects, a first page scrolling is provided so as to display a new number of visible objects, (pg. 6, paragraph [0044]), i.e. the system may be designed so that when the user scrolls the panels in the vertical bar 32 beyond entries associated with the selected horizontal bar 4 entry, the selected horizontal bar entry automatically changes. Thus, if the display is as shown in Fig. 9, if the user shifts the panels in the vertical bar a sufficient number of times so that “Week2” appears in the focus panel 30, the month

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“January” would automatically appear in area 62a of the focus panel 30, and “December”, “February”, “March”, “April”, and “May” will be shown in panels 51, 41, 43, 45, and 47, respectively.

23. Regarding claim 10, Fredriksson teaches the method of any of claims 1-9 as described above. Fredriksson further teaches the following:

the content is hierarchically ordered content, (pg. 4, paragraph [0031]), i.e. all possible calendar selections available are arranged in the content database 20 in one or more levels of groups so that calendar selections of a similar nature are in the same group. The items of a first level are very general. In a second level, the items are more detailed than in the first level, But are still somewhat general. In a third level, the items are even more detailed than in the second level. And so on.

24. Regarding claim 11 Fredriksson teaches the method of any of claims 1-10 as described above. Fredriksson further teaches the following:

a computer program product enabling a programmable device when executing said computer program product to function as a method as defined in any one of the claims 1- 10. (see Fig. 1, and pg. 1, paragraphs [0022] – [0027])

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

-Rochford et al. (US 6,691,282), method and apparatus for displaying and navigating containment hierarchies.

-Detweiler et al. (US 6,948,125), computer controlled user interactive display interface implementation for tracking the organization of items in a hierarchical tree of nested categories.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY A. DISTEFANO whose telephone number is (571)270-1644. The examiner can normally be reached on Monday through Friday, 9 a.m. - 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/GREGORY A DISTEFANO/
Examiner, Art Unit 2175
6/11/2009awa

/William L. Bashore/

Supervisory Patent Examiner, Art Unit 2175